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EXAMINER

NASH, LASHANYA RENEE

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/981,847	Applicant(s) KONIG, EDELBERT	
	Examiner LASHANYA R. NASH	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendments filed 18 January 2008. Claims 1 and 3-13 are presented for further consideration. Claims 1 and 10-12 are currently amended. Claim 2 is cancelled.

Response to Arguments

Applicant's arguments filed 18 January 2008 have been fully considered but they are not persuasive.

In considering the Applicant's arguments the following factual remarks are noted:

- (I) Applicant contends that Collin does not disclose a connection between two computer systems.
- (II) Applicant contends that the relate art cited in Collin alone is further evidence that Collin is not related to data exchange between two computer systems but instead to data exchange in one computer system.
- (III) Applicant contends that Sridhar fails to disclose in a first computer, selecting and reading out of a database, in a selection program, an address of a computing unit controlling a printing unit.

In considering (I), Applicant contends that Collin does not disclose a connection between two computer systems. Examiner respectfully disagrees. Applicant suggests that Collin discloses that "information is passed from the at least one client module,

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which sometimes includes passing information from at least one kernel level module to the server module" (see Collin page 3, second paragraph). However, Examiner asserts that Collin discloses this communication between the kernel level merely as one embodiment of employing the method, as the reference clearly states "**sometimes includes**", and therefore can not be enough evidence to support that the functionality of the method taught by Collin is not employed in a two computer connection.

Furthermore, Examiner asserts that Collin discloses information can be passed to the server application running on a computer system in a number of ways, which is inclusive of a kernel level communication, (i.e. embodiment **(i) from an X-system 106 at the kernel mode level**; see Collin page 7, paragraph 1). However, Collin also **expressly teaches** that information passed to the application is not limited to this aforementioned kernel mode but also that information is passed to the server module **from another system**, (i.e. embodiment **(vi)**, see Collin page 7, paragraph 1). It is clearly evident that Collin intends for the cited communication between the client module and the server module to be accomplished between a first and a second computing unit. Furthermore, as previously addressed in the Office action dated 18 October 2007, Examiner asserts that the Collin reference expressly discloses employing an X-application and X-system (Figure 1-items 106&108) to pass information between client and server modules (page 7, lines 5-15; page 8, lines 1-13), where X-based applications are well known in the art to support device independence and network transparency. As expressly disclosed by McGregor ("Designing User Interface Tools For The X Windows System"- IEEE 1989), computing systems with X-applications have the

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functionality to view and manipulate windows, even though the actual applications are running on disparate operating systems and processor architectures (*Abstract*; page 243). Specifically, McGregor discloses users accessing remote application running on a server regardless of what workstation (i.e. client) they employ (*Network Transparency Sets X Apart*; page 224). Therefore, the Examiner asserts that the system as disclosed by Collin clearly indicates to those with ordinary skill in the art, that the aforementioned client and server modules implemented via an X-system are inherently device independent and network transparent. Clearly through X-based architecture the client module, as disclosed by Collin, can access and manipulate an application running of a server module running remotely on a separate computing unit (i.e. first computing unit and second computing unit). Examiner additionally notes McGregor was cited only to further evidence inherence, as device independence and network transparency were well known characteristics of X-applications. Therefore, Examiner asserts that Sridhar in combination with Collin does teach all of the limitations recited in claims 1 and 12, as set forth in the previous Office actions.

Also, Examiner notes that the **Sridhar reference is cited in the Office action as teaching the limitation for establishing a connection between a first and second computing unit**, (i.e. “establishing a connection with the address of the second computing unit ...and after the communications protocol is determined, establishing a data connection for transmitting data”; Sridhar, column 9, line 44-column 11, line 39; column 6, lines 22-26; column 24, line 57-column 25, line 11). Therefore, Collin is not relied upon to teach this limitation argued by Applicant but is relied upon to evidence

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obviousness of features not taught by Sridhar. As a result, Examiner asserts that for sake of argument, if Collin fails to disclose communication between connection two computer system that the combination of Sridhar and Collin teaches the establishing communication between a first and second computer (i.e. client and server communication as taught by Sridhar) , inter alia, of the claimed invention.

In considering (II), Applicant contends that the related art cited in Collin alone is further evidence that Collin is not related to data exchange between two computer systems but instead to data exchange in one computer system. Applicant further contends that this is evidenced as the related art refers to debugging and “Nobody sends uncompiled computer programs from the server to a client over the Internet or another remote computer, because compiling and debugging is done on the computer system the programming person is working on”. (See Remarks/Arguments page 10). Examiner respectfully disagrees. Examiner asserts that in addition to this argument relied upon by Applicant being irrelevant (i.e. as addressed above, the combination of Sridhar and Collin teaches communication between a first and second computing unit) this assumption is also incorrect. Examiner asserts that Collin discloses kernel debugging as a deficiency of the prior art and furthermore that the endeavored improvement in related debugging systems is **tracking system problems at remote sites** (See Collin page 2, paragraph 1). This clearly evidences that the unlike the prior art that is limited to one computer or small scale system, Collin is intended to implement a method that is to execute on remote computer units and therefore must support some

type of communication between a first and second computer. Consequently, it is concluded that the related art cited in Collin does not provide evidence that Collin is not related to exchange between two computer systems, but to the contrary, the section evidences that the teachings of Collin intends to cure this deficiency in the prior conventional systems in the art (See Collin page 2, paragraph 2).

In considering (III), Applicant contends that Sridhar fails to disclose in a first computer, selecting and reading out of a database, in a selection program, an address of a computing unit controlling a printing unit. Examiner respectfully disagrees. Examiner asserts that Sridhar expressly discloses selecting and reading out from a database (Figure 16-item 1620) in a selection program (Figure 16-1535), an address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11). Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner additionally asserts that, as further discussed below in the Office action, Sridhar in combination with Collin and Waite teach the limitations of claimed invention, more specifically Wait discloses monitoring a second computing unit controlling a printing unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar (US Patent 6,098,108) in view of Collin, Zeev (International Publication Number WO 00/49501) and Waite et al. (US Patent 4,688,170), hereinafter referred to as Sridhar, Collin and Waite respectively.

In reference to claim 1, Sridhar discloses a method for establishing a data connection between computing systems within a network through access of directory information such as network address and employed protocol, (abstract). Sridhar explicitly discloses:

- A method for establishing a data connection and for transmitting data from a first computing unit (i.e. client computer) and a second computing unit (i.e. server computer), (column 5, line 26 to column 6, line 26), which comprises:
 - In the first computing unit, selecting and reading out from a database (Figure 16-item 1620) in a selection program (Figure 16-1535), an address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);

- Establishing a connection with the address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
- Initially performing a version comparison between the first and second computing units with respect to an employed communications protocol, (column 9, line 44 to column 11, line 39);and
- After the communications protocol is determined, establishing a data connection for transmitting data, (column 9, line 44 to column 11, line 39).

Although Sridhar discloses substantial features of the claimed invention, the reference fails to disclose the aforementioned connection method to include: displaying a specified number of diagnostics programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostics programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit. Nonetheless, modifying the communication method as disclosed by Sridhar so as to employ diagnostic server applications would have been an obvious modification for one of ordinary skill in art at the time of the invention, as further evidenced by Collin.

In an analogous art, Collin discloses a method for establishing communication channels between computing system so as to transmit information related to diagnostic modules (abstract). Collin further discloses: displaying (Figures 4 and 5) a specified number of diagnostics programs after the data connection is established (pages 3-4; page 9), selecting and starting one of the diagnostics programs via the first computing unit (i.e. client), (pages 9-11); and transmitting results of the one diagnostics program to

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the first computing unit, (page 3, line 1 to page 5, line 26). This modification to the method disclosed by Sridhar would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user monitoring systems for performing diagnostics thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5). Although Sridhar and Collin show substantial features of the claimed invention, specifically diagnostic programs stored in the memory of the second computing unit, (Collin page 3; pages 8-9). However, the references fail to explicitly disclose the method monitoring a second computing unit controlling a printing unit. Nonetheless, establishing multi-protocol communication between computers connected to printing presses (i.e. printer) was well known in the art, as further evidenced by Waite. Therefore, this would have been an obvious modification to the method as disclosed by Sridhar and Collin for one of ordinary skill in the art at the time of the invention.

In an analogous art, Waite discloses a method for establishing communication between diverse computers in a network via selecting an appropriate channel that communicates using the specified protocol of the intended recipient, (Waite abstract and column 1, line 64 to column 2, line 40). Waite further discloses this method is employed between computers in which a printing press is connected, (Wait column 3, line 24 to column 4, line 5; Figure 2-item 44). This modification to the method disclosed by Sridhar and Collin would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user in monitoring systems for performing diagnostics on peripheral devices (e.g.

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printers, modems, disk drives, displays) and thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5 and Waite Figure 2).

In reference to claim 12, Sridhar discloses a system for establishing a data connection between computing systems within a network through access of directory information such as network address and employed protocol, (abstract, and Figure 14).

Sridhar explicitly discloses:

- A computing unit comprising:
- A memory (Figure 14-item 1457) and at least one of hardware (Figure 14-item 1453) or software (Figure 15), (column 23, line 57 to column 25, line 2), configured for:
 - selecting and reading out from a database (Figure 16-item 1620), in a selection program (Figure 16-1535), an address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11) for establishing a connection with the address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11) for
 - Initially performing a version comparison between the computing units with respect to an employed communications protocol, (column 9, line 44 to column 11, line 39) and for; and
 - For establishing, after the communications protocol is determined, a data connection for transmitting data, (column 9, line 44 to column 11, line 39) and transmitting data from a first computing unit (i.e. client computer) and

a second computing unit (I.e. server computer), (column 5, line 26 to column 6, line 26).

Although Sridhar discloses substantial features of the claimed invention, the reference fails to disclose the aforementioned connection method to include: displaying a specified number of diagnostics programs stored in the second computing unit after the data connection is established; selecting and starting one of the diagnostics programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit. Nonetheless, modifying the communication method as disclosed by Sridhar so as to employ diagnostic server applications would have been an obvious modification for one of ordinary skill in art at the time of the invention, as further evidenced by Collin.

In an analogous art, Collin discloses a method for establishing communication channels between computing system so as to transmit information related to diagnostic modules (abstract). Collin further discloses: displaying (Figures 4 and 5) a specified number of diagnostics programs after the data connection is established (pages 3-4; page 9), selecting and starting one of the diagnostics programs via the first computing unit (i.e. client), (pages 9-11); and transmitting results of the one diagnostics program to the first computing unit, (page 3, line 1 to page 5, line 26). This modification to the method disclosed by Sridhar would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user monitoring systems for performing diagnostics thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5). In reference

to claim 3, Sridhar and Collin disclose substantial features of the claimed invention specifically: displaying a specified number of diagnostics programs, selecting and starting one of the diagnostics programs via the first computing unit (i.e. client); and transmitting results of the one diagnostics program to the first computing unit, (Collin page 3, line 1 to page 5, line 26). However, the references fail to explicitly disclose the method monitoring a second computing unit controlling a printing press. Nonetheless, establishing multi-protocol communication between computers connected to printing presses (i.e. printer) was well known in the art, as further evidenced by Waite. Therefore, this would have been an obvious modification to the method as disclosed by Sridhar and Collin for one of ordinary skill in the art at the time of the invention.

In an analogous art, Waite discloses a method for establishing communication between diverse computers in a network via selecting an appropriate channel that communicates using the specified protocol of the intended recipient, (Waite abstract and column 1, line 64 to column 2, line 40). Waite further discloses this method is employed between computers in which a printing press is connected, (Wait column 3, line 24 to column 4, line 5; Figure 2-item 44). This modification to the method disclosed by Sridhar and Collin would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user in monitoring systems for performing diagnostics on peripheral devices (e.g. printers, modems, disk drives, displays) and thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5 and Waite Figure 2).

In reference to claim 3, Sridhar, Collin and Waite disclose displaying a specified number of diagnostics programs, selecting and starting one of the diagnostics programs via the first computing unit (i.e. client); and transmitting results of the one diagnostics program to the first computing unit, (Collin page 3, line 1 to page 5, line 26); this method is employed between computers in which a printing press is connected, (Wait column 3, line 24 to column 4, line 5; Figure 2-item 44).

In reference to claim 4, Sridhar, Collin and Waite further show the method which includes providing a table (i.e. database) wherein diagnostics programs are assigned to specific devices (i.e. printing presses), so that when establishing a connection, the diagnostic programs pertaining to a device are displayed for selection, (Collin page 3, line 1 to page 5, line 26).

In reference to claim 5, Sridhar, Collin and Waite show the method which includes depending upon the diagnostic program (i.e. server application) that is selected , establishing a communications protocol via which data is transmitted between the first and second computing units, (Sridhar column 9, line 44 to column 11, line 39).

In reference to claim 6, Sridhar, Collin and Waite show the method which includes depending upon the diagnostic program that is selected, providing a specified number of data ports via which data is transmitted, (Waite column 3, lines 24 to column 4, line 5 and Figure 2-item 30).

In reference to claim 7, Sridhar Collin and Waite show the method which includes transmitting specified data only via specified data ports, (Waite column 3, lines 24 to column 4, line 5 and Figure 2-item 30).

In reference to claim 10, Sridhar, Collin and Waite disclose selecting a type of control with which the printing press is controlled by the computing unit and depending upon the control that is selected, selecting at least one of a communications protocol and a diagnostic program (Sridhar column 9, line 44-column 11, line 39; Collin page 3, line 1 to page 5, line 26; pages 9-11).

In reference to claim 11, Sridhar, Collin and Waite selecting a type of control with which the printing press is controlled by the computing unit and depending upon the control that is selected, displaying at least one of a communications protocol and a diagnostic program (Sridhar column 9, line 44-column 11, line 39; Collin page 3, line 1 to page 5, line 26; pages 9-11).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Collin and Waite, as applied to claims 1 above, and further in view of Official Notice.

In reference to claim 8, although Sridhar, Collin, and Waite disclose substantial features of the claimed invention the references fail to disclose outputting the data in

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parallel via the data ports, and transmitting the data output serially in data packets via the data connection. However, the Examiner serves Official Notice that these limitations were well known in the art at the time of the invention and therefore would have been obvious modifications to the method as disclosed by Sridhar, Collin, and Waite for one of ordinary skill in the art at the time of the invention. One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method so as to increase the output rate of data through selected ports, thereby improving system efficiency.

In reference to claim 9, Sridhar Collin, Waite, and Official Notice show the method which includes transmitting providing in each packet an identifier for the data port, which indicates the data port from which data was output, (Sridhar column 15, line 56 to column 6, line 64).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar, Collin and Waite as applied to claim 1, and further in view of Kraslavsky et al. (US Patent 5,537,626), hereinafter referred to as Kraslavsky.

In reference to claim 13, Sridhar, Collin and Waite show substantial features of the claimed invention, specifically diagnostic programs stored in the memory of the second computing unit, (Collin page 3; pages 8-9). However, the references fail to show that the diagnostic programs are used for monitoring a printing press.

Nonetheless, diagnostic programs for printers were well known in the art at the time of invention as further evidenced by Kraslavsky. Therefore, it would have been

obvious for ordinary skill in the art at the time of invention, to accordingly modify the method as disclosed by Shridhar, Collin and Waite.

In an analogous art, Kraslavsky discloses a method for coupling a printer device to a network (i.e. LAN), and subsequently transferring printer related information between the printer and the network to control printer operations, (abstract). Kraslavsky explicitly discloses storing printer diagnostic applications in a memory (column 21, lines 15-21; column 56, line 60-67). One of ordinary skill in the art would have been motivated to accordingly modify the aforementioned method, so as to allow the printer to export a large quantity of very specific printer status data (i.e. diagnostic information) to the network (Kraslavsky column 1, line 64 to column 2, line 3) which thereby leads to system optimization (Collin page 4, line 1-5).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R. Nash whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShanya R Nash/
Examiner, Art Unit 2153
April 3, 2008

/Glenton B. Burgess/
Supervisory Patent Examiner, Art
Unit 2153

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